1: Evans-Pritchard E-5 (1931, 1936) 1940
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571 463 and the maker of it always belong to the same local community and conduct the affair between themselves, there being no exchange of objects or services through the medium of a third person, and there is always between them a general social relationship of one kind or another, and their economic relations, if such they may be called, must conform to this general pattern of behaviour. (3) There is little inequality of wealth and no class 571 565 privilege. A man does not acquire more objects than he can use. Were he to do so he could only dispose of them by giving them [576] away. It is true that cattle can be amassed, but, except for a few sacred herds kept by prophets, in fact they are not. As has been explained, periodic rinderpest levels the herds and, apart from this, when a herd has reached a certain size the owner—if one may speak of an owner of a herd in which many people have rights of one kind and another—is morally bound to dispose of a portion of it by either himself marrying or by assisting a relative to do so. Cattle are sometimes loaned to persons and the owner is entitled to receive back better beasts than those he lent, e.g. a heifer for the loan of an ox; but people only lend cattle to those with whom they have an established social relationship. (4) In a narrow sense 571 the simple family might be called the economic unit, but we have 476 seen that it is not self-sufficient and the active participation of a wider group is often necessary, e.g. in building, fishing, and hunting. It is also clear that a single family cannot herd its cattle in distant pastures and, at the same time, herd the calves elsewhere, attend to the tiny calves in the kraal, milk, churn, clean the kraal, prepare dung for fuel, cook the food, and so on, by itself. Co-operation is found among neighbours who are also kinsmen. There is also much mutual assistance when co-operation is not essential to the performance of a task, e.g. in weeding and harvesting, for it is conventional to ask people for help, the obligation to assist being part of a general kinship relationship. (5) It must be recognized also that fishing, hunting, herding, and the other activities I have described are always, in a sense, collective actions, for even when there is no active co-operation the whole community passively participates in them. A single man may drive a herd to pasture, a single boy may fish in river shallows, and a single woman may cook, but they can only do these things because they belong to a community and because their actions are related in a productive system. Tradition dictates ends and means and the organization and potential strength of the community gives the co-ordination and security necessary for accomplishment. It has been remarked that seen from the outside a whole village community may be said to be consuming a common stock of food.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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From the same angle the whole community may be said to create it.

I may sum up by repeating that economic relations among the Nuer are part of general social relationships and that these relationships, being mainly of a domestic or kinship order, lie outside the scope of this book. I must emphasize, however, that the members of various segments of a village have close economic relations and that all the people of a village have common economic interests, forming a corporation which owns its particular gardens, water-supplies, fishing-pools, and grazing grounds; which herds its cattle in a compact camp in the drought; and operates jointly in defence, in herding, and in other activities; and in which, especially in the smaller villages, there is much co-operation in labour and sharing of food. All this must be taken for granted in future references to villages. It must be further emphasized that climatic conditions together with a pastoral mode of life necessitate relations beyond the limits of a village and give to wider political groups an economic purpose. This statement will later be examined more closely.

XII

I wish to emphasize the following general points in summary of those conclusions reached in the first two chapters which have special relevance to a study of the political institutions of the Nuer.

1. Oecological relations appear to be in a state of equilibrium. As long as present relations exist cattle husbandry, horticulture, and fishing can be pursued but cannot be improved. Man holds his own in the struggle but does not advance.

2. The necessity of a mixed economy follows from the oecological equilibrium. Rinderpest prevents complete dependence upon milk foods; climate prevents complete dependence on grain; and hydrological variations prevent complete dependence on fish. These three elements together enable Nuer to live, and their seasonal distribution determines Nuer modes of life at different periods of the year.

3. The oecology gives to this mixed economy a bias in favour of cattle husbandry, and this bias must have been far stronger

2;Evans-Pritchard E-5 (1931, 1936) 1951
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milking of their cows. Nuer group themselves round a herd, and the rule prohibiting men from milking means that in grouping themselves around a herd they also group themselves around the milkmaid who serves the herd. This central position a wife has in Nuer economy, like the central position she has as a mother in the lineage, to which I have earlier referred, enhances her status in society. Here again also her position in this respect as in the other tends to break down narrow family exclusiveness and to draw closer to her husband his brothers and close paternal kin.

The family produces most of what it needs, and most of what it produces it consumes. Nevertheless, some tasks cannot be performed, and others are often not performed, by the ordinary family without assistance from kith and kin; and there is much sharing among neighbours. Most hunting, and much of the fishing, require more participants than the family can muster, and unless families take it in turn to herd, a single family would find it difficult or impossible, especially in dry-season camps, to look after its cattle, calves, sheep, and goats, as well as to attend to the children and the tasks of kraal and kitchen. Help in activities requiring co-operation, as well as in milking when that is required, is given by close neighbours who are also kinsmen. Also, there are other tasks which, though they might be accomplished by the family unaided, are often, but by no means always, performed by co-operative parties of neighbours: clearing gardens, making drainage trenches, dams, and seed-beds in swampy ground, weeding, harvesting, threshing, and building. The helpers are given beer or porridge or both. Thus Nuer say of building a byre: 'We Nuer cut the supports with beer, we cut the grass with beer, we build the walls with beer, and we erect the supports with porridge.' Although a family probably spends as much labour in helping other people as would, had it been expended in their own home and gardens, have enabled them to be self-sufficient in maintaining them, it is much more pleasantly spent when distributed in this way. Not only is a family relieved of the necessity of tackling particularly laborious jobs unaided, but when the work is done by mutual aid it becomes something of a game, losing its monotony in merry company and in the feelings of good-neighbourliness it engenders; for the beer and porridge are not payment for work done but hospitality provided for friends and kin, who accept the invitation to take part in the work because they are friends and

2:Evans-Pritchard E-S (1931, 1936) 1951
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kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer eat so much in each other's byres and windscreens that, as far as the men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

8:Howell E. G-5 (1942-1944)1954
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Kerbeil and those linked with them by permanent association. Within it each collateral branch of the main clan has definite rights to a certain part, usually specified by reference to villages on higher ground, and elsewhere to pools which provide water and fish and to the pastures which surround them. *Bul* (or *dhor*) is relative like the word *cieng*, which has much the same meaning on a smaller scale.[1]

I must emphasize again that land to the Nuer must include all types, for their subsistence economy is maintained by the balanced and seasonal utilization of all three, but it may be as well to examine separately and in more detail the types of land used for crop production and animal husbandry and the rights in water-points and fisheries which go with them.

Arable Land

From the legal point of view the problem of rights in arable land is not a complicated one among the Nuer, and there is virtually no litigation concerning either individual or collective claims. The reasons are not far to seek. During the cultivation season the Nuer occupy the high ground which is free from river floods or swamping by heavy rain. Such high ground is limited when compared to the total area occupied by Nuer tribes, but there is generally more than enough available. An intricate and complex system of rights in land cannot be necessary unless there is scarcity, and this is not usually the case. Nuer like to have their gardens close to their dwellings, so that they can protect them against wild animals and straying cattle. They do not usually fence their fields, particularly in those areas where wood and thorn are not easily available.[2] The Nuer village, moreover, is not built on a concentrated pattern, and each homestead is separated from its neighbours by a considerable distance ranging from about a hundred yards to over a mile. The Nuer ideal is to live in the bosom of his own immediate family as isolated as possible from his neighbours and free from tiresome intrusions. This individualistic outlook is, however, limited by a variety of considerations. In the clearing of land, in the heavier tasks of cultivation, and in harvesting, collective assistance, dependent on the mutual obligations of kinship and neighbourhood and the provision of beer and meat for workers, is necessary. A Nuer would not wish to live so far away from his neighbours that it would be impossible to take advantage of their help. Further, in the past at any rate, the need for defence and concentration against

[1] For definition of the word *cieng*, see pp. 10–11.

[2] Fencing is used in some areas, particularly in the heavily forested regions of the Zeraf Valley, but usually only on newly cleared ground. The branches of trees cut are then used to make thorny enclosures, but these do not last for more than a year or two at most and there is rarely an attempt made to renew them. Fencing is employed particularly when new cultivations are cleared and sown before the homestead has been rebuilt close to them.

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strife was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.[1] Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil.

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, those whose land is high and well-drained enjoy an advantage which is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dak mara*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country.

Claims on the hospitality of kinsmen are often carried to extremes

[1] During the period of invasion and occupation of Dinka country there were periods when the Nuer lived in cattle-camps of concentrated form, a circle of huts or shelters, and did so for several years at a time. The camps were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.

o:Bidwell E, G-5 (1942-1944)1954
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and well beyond the limits of the reciprocal distribution of bridewealth cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own. The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.